

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANGELO THOMAS MENUTO, II,)	
)	
Plaintiff,)	Case No. 1:11-cv-264-SJM-SPB
)	
v.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM JUDGMENT ORDER

Plaintiff's complaint was received by the Clerk of Court on November 4, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 13, 2012 [12], recommends that: (i) the Plaintiff's Motion for Summary Judgment [7] be denied, (ii) the Defendant's Motion for Summary Judgment [10] be granted, and (iii) the decision of the administrative law judge ("ALJ") be affirmed. The parties were allowed fourteen (14) days from the date of service in which to file objections. The parties, through their respective counsel, were served electronically on June 13, 2012. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 5th Day of July, 2012;

IT IS ORDERED that: (i) the Plaintiff's Motion for Summary Judgment [7] shall be, and hereby is, DENIED; (ii) the Defendant's Motion for Summary Judgment [10] shall be, and hereby is, GRANTED; and (iii) the decision of the ALJ shall be, and hereby is, AFFIRMED.

Consistent with the foregoing, IT IS FURTHER ORDERED that JUDGMENT shall be, and hereby is, ENTERED in favor of the DEFENDANT, Michael J. Astrue, Commissioner of Social Security, and against the Plaintiff, Angelo Thomas Menuto, II.

The report and recommendation of Magistrate Judge Baxter, dated June 13, 2012 [12], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN
Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter